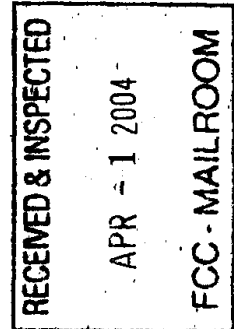




Federal Communications Commission
Washington, D.C. 20554

March 26, 2004

Jeffrey D. Southmayd, Esq.
c/o August Radio Fellowship Institute, Inc.
Southmayd & Miller
1220 19th Street, N.W.
Suite 400
Washington, D.C. 20036



Dear Mr. Southmayd:

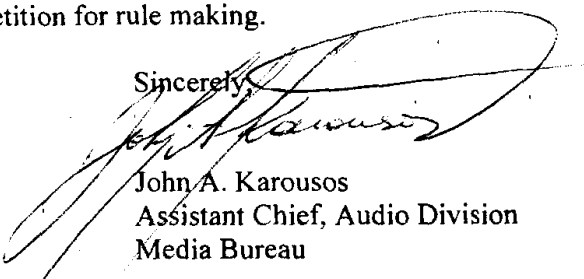
This letter is in response to the Petition for Rule Making filed on behalf of August Radio Fellowship Institute, Inc. requesting to reserve vacant Channel 256C3 at Barnwell, South Carolina for noncommercial educational ("NCE") use.

The Commission has revised the standards for reserving an FM channel for NCE use.¹ Under these revised standards, a reservation proponent must demonstrate that it is technically precluded from using a reserved channel and would provide a first and/or second NCE radio service to at least 10 percent of the population within the 1mV/m (60 dBu) contour of its proposed station. This revised reservation policy was later extended to existing vacant FM allotments for which an allocation proceeding was initiated prior to the effective date of these standards.² To implement the revised reservation policy, the Media Bureau opened a filing window to permit interested parties to file petitions for rulemaking in compliance with the revised reservation policy.³

The *Public Notice* opened a filing window permitting interested parties to file a petition for rulemaking in compliance with the revised reservation policy by November 21, 2003. The *Public Notice* stated that the filing deadline would be strictly enforced. As a result, your petition is unacceptable for consideration because it was filed on November 24, 2003.

In view of the above, we are returning your petition for rule making.

Sincerely,


John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

¹ See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 15 FCC Rcd 7386 (2000), *recon granted in part* 16 FCC Rcd 5074 (2001).

² See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 18 FCC Rcd 6691 (2003).

³ See *Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments*, 18 FCC Rcd 19600 (MB 2003) ("Public Notice").

COPY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RECEIVED - FCC

NOV 24 2003

Federal Communication Commission
Bureau/Office

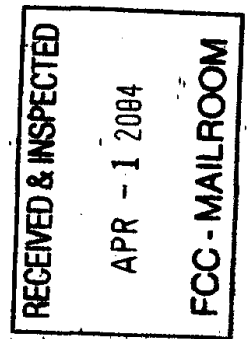
IN RE MATTER OF)

AMENDMENT TO SECTION)
73.202(b) OF THE COMMISSION'S)
TABLE OF ALLOTMENTS)

RM-

BARNWELL, SOUTH CAROLINA)
RESERVATION FOR EDUCATIONAL)
NOSCOMMERCIAL USE)

TO: Chief Allocations Branch
Media Division



PETITION FOR RULE MAKING

Augusta Radio Fellowship Institute, Inc. (hereafter "ARFI"), by its undersigned
counsel hereby respectfully requests that the FM Table of Allotments be modified as
follows:

<u>COMMUNITY</u>	<u>CURRENT</u>	<u>PROPOSED</u>
BARNWELL, SC	256C3	256C3*

In support of this request the following is submitted for the consideration of the
Commission.

1. The Commission's Public Notice, DA 03-2990, released on September 30,
2003, opened a window for the submission of petitions seeking the noncommercial

educational reservation of certain vacant FM allotments. Among these allotments was the vacant FM channel 256C3A reservation at Barnwell, South Carolina.

2. Attached hereto is an Engineering Statement completed by ARFI's engineering consultant. This demonstrates that there are no reserved band, noncommercial, educational FM channels available for use at Barnwell, South Carolina.

3. The Engineering Statement also shows that if the current FM channel 256C3 allotment to Barnwell were designated for noncommercial, educational use, it would provide a first and or second noncommercial broadcast service to greater than 2,000 persons representing more than 10% of the population in the proposed service area of the station.¹

4. Such a showing meets the requirements found in the *Second Report and Order in the Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 18 FCC Rcd 6691 (2003) at paragraphs 34-40 for the reallocation of nonreserved band FM channels to noncommercial, educational use. ARFI requests such a noncommercial, educational reservation for the FM channel 256C3 allocation at Barnwell, South Carolina.

5. ARFI will submit comments in support of this proposal. In the event that this channel is re-allocated for noncommercial, educational use, ARFI will file an application for the utilization thereof, and promptly build and operate a station in the event its application is granted by the Commission.²

¹ This meets the standard contained in the *Second Report And Order*.

² ARFI is the FCC licensee of a number of noncommercial, educational FM stations, and has been found to be qualified to hold noncommercial, educational FM licenses in conformity with the Commission's rules, regulations and policies.

Respectfully submitted,

August Radio Fellowship Institute, Inc.

By: 

Jeffrey D. Southmayd

Its Attorney

Southmayd & Miller
1220 19th Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 331-4100

Date: November 21, 2003

Engineering Statement
In response to MMB Window Closing November 21, 2003
Providing for Conversion of
Commercial Allotments to Noncommercial Allotments

Barnwell, SC 256C3

Robert Moore
November 21, 2003

RECEIVED & INSPECTED

APR - 1 2004

FCC - MAILROOM

Public Notice DA 03-2990¹ and Report and Order 18 FCC Rcd 6691² state that three distinct engineering criteria must be satisfied to qualify an allotment. These must demonstrate 1) need for an additional NCE service, 2) unsuitability of any NCE channel at the site at the proposed city of license and 3) unsuitability of any NCE channel at four points near the edge of the protected contour surrounding the city of license. These will be demonstrated in order.

1) Need for Additional NCE Service – NCE Second Report and Order ¶34

The graphic below illustrates the 60 dBu coverage of existing NCE authorizations (shown in black) that intersect the 60 dBu contour of the proposed allotment when it is evaluated at its allotment site (shown in red). The graphic demonstrates that 65.65 % (42,675 out of 64,999 people) of the population covered by the allotment would be newly served with first or second NCE service NCE programming by conversion of the channel to NCE status. Of these 8.56 % would receive their first NCE service (shown in red) and 57.10 % would receive their second NCE service (shown in green). The remaining population (shown in black) is already served by two NCE stations. This coverage significantly exceeds the 10% and 2,000 people specified in the R&O.

2) City of License Site – NCE Second Report and Order ¶35b

The city coordinates is found at <http://www.fcc.gov/mb/audio/bickel/atlas2.html> as BARNWELL, SC Latitude: N 33 14 40 Longitude: W 81 21 31. A **minimum class C3** facility (6 kW at 100 m HAAT) was evaluated at each NCE channel. The entries *IN* and *OUT* represent the incoming and outgoing contour overlap with each specified station, or spacing, as in FMCONT output, is given in km. Only negative results, indicating prohibited contour overlap or spacing violation, are displayed. The existence of even one negative value for a channel shows that that channel is not available at the specified site with the specified facilities. Note that all stations in the CDBS are included here, whether authorized or not, since most, if not all, are included in closed Mx groups, so there is no longer an opportunity for new entrants to file. This table shows that all the NCE channels are unavailable at this site for the specified facility.

3) Cardinal Sites – NCE Second Report and Order ¶35a

Availability was also evaluated at 38 km (39 km class C3 class contour distance - 1 km) of from the city of license site at azimuths of 0, 90, 180 and 270 degrees. In these evaluations, a **class maximum facility** was utilized. The entries are interpreted as in 2). These tables show that no NCE channels are available at these sites for the specified facility.

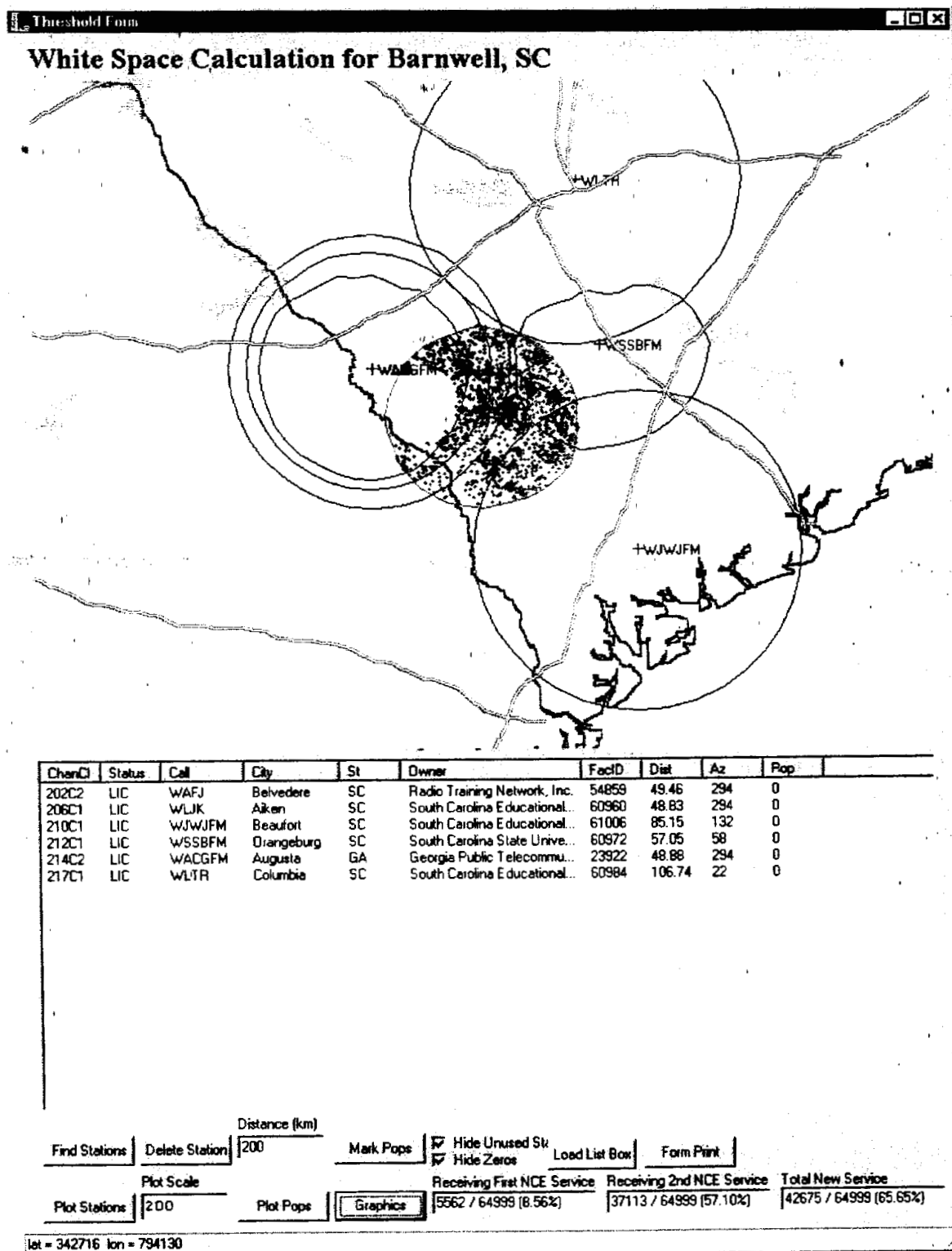
Conclusion:

The criterion specified by the Commission is satisfied by this allocation and it can be considered for conversion to an NCE allocation.

¹ Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments, Public Notice, DA 03-2990 (rel. Sept. 30, 2003) (the "Public Notice").

² Reexamination of the Comparative Standards for Noncommercial Educational Applicants, Second Report and Order, 18 FCC Rcd 6691 (2003) ("NCE Second Report and Order").

1) Need for Additional NCE Service



2) City of License Site

Showing of available NCE channels at Barnwell, SC

Latitude 331440 Longitude 812131 ERP(Kw) 6.000 HAAT(m) 100 COR AMSL(m) 165

Chan	Call	*IN*	*OUT*	Margin
201	WRJAFM	-77.1	-35.8	
	WAFJ	-52.3	-43.1	
202	WRJAFM	-10.2		
	WAFJ	-99.4	-86.1	
203	WAFJ	-52.3	-43.1	
	WLJK		-10.8	
204	WAFJ		-2.7	
	WYFV		-10.3	
	WAGP	-17.0	-11.1	
	WLJK		-10.8	
205	WAFJ		-2.7	
	WNSCFM	-8.9		
	WLJK	-63.1	-51.3	
206	WLJK	-113.7	-94.3	
207	WLJK	-63.1	-51.3	
	WSCI	-54.1	-9.3	
208	WLJK		-10.8	
	WYFS	-2.7		
	WMHK	-5.3		
209	WLJK		-10.8	
	WMHK	-57.6	-34.8	
	WDCOFM	-6.6		
	WJWJFM	-41.6	-27.0	
210	WMHK	-5.3		
	WJWJFM	-101.6	-69.7	
	981023	-9.5	-10.2	
	980319	-16.9	-11.5	
211	WJWJFM	-41.6	-27.0	
	WSSBFM	-38.2	-26.8	
212	WSSBFM	-103.4	-69.7	
213	WSSBFM	-38.2	-26.8	
	WUSCFM	-8.3	-16.7	
	WACGFM	-40.1	-34.2	
214	WYFH	-27.7	-18.6	
	WACGFM	-93.5	-77.3	
215	WACGFM	-40.1	-34.2	
	WSVH	-4.7		
216	WSVH	-71.8	-29.7	
	WLTR	-22.2	-4.4	
217	WSVH	-4.7		
	WLTR	-89.4	-48.1	
218	WLTR	-22.2	-4.4	
	WKCL	-51.7	-14.4	
	WGPH	-9.1		
	WLPE.C	-2.0	-3.9	
	WBHCFM			-5.5
219	WLPE	-33.9	-42.6	
	WLPE.C	-39.1	-47.2	
	WBHCFM			-5.5
220	WLPE.C	-2.0	-3.9	
	WVGS		-1.2	
	WJESFM			-8.7
	WBHCFM	-21.9	-22.9	-56.5
	RADD			-15.7
	WJESFM			-13.3
	RDEL			-8.7
	WPEHFM			-6.2

3) Cardinal Sites:

0 degrees:

Showing of available NCE channels at Barnwell, SC

Latitude 333513 Longitude 812131 ERP(Kw) 25.000 HAAT(m) 100 COR AMSL(m) 204

Chan	Call	*IN*	*OUT*	Margin
201	WRJAFM	-104.5	-79.3	
	WAFJ	-63.0	-60.2	
202	WRJAFM	-37.5	-25.8	
	WAFJ	-109.9	-113.7	
203	WAFJ	-63.0	-60.2	
	WEPC		-5.0	
	WYFV	-0.0	-18.1	
	WLJK		-10.9	
204	WAFJ		-3.0	
	WYFV	-11.9	-71.9	
	WAGP	-4.5	-11.6	
	WLJK		-10.9	
205	WAFJ		-3.0	
	WYFV	-0.0	-18.1	
	WNSCFM	-56.6	-33.1	
	WLJK	-73.5	-68.1	
206	WLJK	-123.9	-121.5	
207	WLJK	-73.5	-68.1	
	WLFJFM	-8.2		
	WSCI	-54.4	-26.0	
208	WLJK		-10.9	
	WMHK	-52.7	-43.7	
209	WLJK		-10.9	
	WMHK	-109.0	-97.3	
	WJWJFM	-25.1	-16.1	
210	WMHK	-52.7	-43.7	
	WJWJFM	-85.2	-69.6	
	980619	-2.2	-33.3	
	981023	-28.3	-45.2	
	980319	-34.7	-47.9	
211	WJWJFM	-25.1	-16.1	
	WEPR	-29.5	-4.6	
	WSSBFM	-43.6	-44.7	
212	WSSBFM	-98.2	-98.1	
	WRBK		-16.2	
	WUSCFM	-13.3	-23.6	
213	WSSBFM	-43.6	-44.7	
	WUSCFM	-51.7	-77.3	
	WACGFM	-49.3	-49.7	
214	WUSCFM	-13.3	-23.6	
	WYFH	-27.7	-33.2	
	WFAE.C	-10.7		
	WFAE	-2.1		
	WACGFM	-102.9	-103.1	
	WLTR		-0.6	
215	WACGFM	-49.3	-49.7	
	WLTR		-0.6	
216	WSVH	-47.0	-21.5	
	WLTR	-65.1	-54.2	
217	WLTR	-132.3	-107.9	
218	WLTR	-65.1	-54.2	
	WKCL	-50.7	-29.7	
	WLPE	-19.1	-28.3	
	WLPE.C	-24.1	-32.5	
219	WLTR		-0.6	
	WLPG	-0.1	-2.2	
	WLPE	-55.3	-81.8	
	WLPE.C	-61.0	-86.0	
220	WLTR		-0.6	
	WLPE	-19.1	-28.3	
	WLPE.C	-24.1	-32.5	
	WJESFM	-7.8	-15.7	-41.6
	WBHCFM	-0.4	-7.0	-20.8
	RADD	-29.9	-30.0	-53.2
	WJESFM	-18.0	-23.8	-48.3
	RDEL	-14.0	-19.2	-41.6

90 degrees:

Showing of available NCE channels at Barnwell, SC

Latitude 331440 Longitude 805703 ERP(Kw) 25.000 HAAT(m) 100 COR AMSL(m) 139

Chan	Call	*IN*	*OUT*	Margin
201	WRJAFM	-117.5	-92.5	
	WLXP.A		-11.9	
	WAFJ	-26.2	-22.8	
202	WRJAFM	-50.6	-39.1	
	WAFJ	-73.4	-76.3	
203	WAFJ	-26.2	-22.8	
	WFCH	-42.6	-40.0	
	WAGP	-2.8	-3.3	
204	WYFV		-43.1	
	WAGP	-55.3	-56.8	
205	WAGP	-2.8	-3.3	
	WNSCFM	-22.9		
	WLJK	-37.0	-30.9	
206	WLJK	-87.7	-84.4	
	WSCI	-38.5	-20.6	
207	WLJK	-37.0	-30.9	
	WSCI	-102.7	-74.1	
	WJWJFM		-7.3	
208	WSCI	-38.5	-20.6	
	WYFS	-23.0	-25.1	
	WMHK	-20.3	-15.5	
	WJWJFM		-7.3	
209	WMHK	-69.0	-69.0	
	WJWJFM	-73.5	-63.8	
	WSSBFM	-13.7	-19.2	
210	WMHK	-20.3	-15.5	
	WJWJFM	-133.5	-117.3	
	981023		-1.1	
	980319		-3.9	
	WSSBFM	-13.7	-19.2	
211	WJWJFM	-73.5	-63.8	
	WSSBFM	-82.0	-75.0	
212	WJWJFM		-7.3	
	WSSBFM	-146.9	-128.5	
213	WJWJFM		-7.3	
	WSSBFM	-82.0	-75.0	
	WUSCFM	-29.7	-53.4	
	980224		-1.3	
	WYFH	-27.6	-28.9	
	WACGFM	-13.9	-13.8	
214	WSSBFM	-13.7	-19.2	
	WYFH	-75.6	-82.3	
	WACGFM	-67.4	-67.3	
215	WSSBFM	-13.7	-19.2	
	WYFH	-27.6	-28.9	
	WACGFM	-13.9	-13.8	
	WLGI	-18.0	-7.1	
	WSVH	-11.8		
216	WSVH	-78.9	-52.9	
	WLTR	-42.3	-31.3	
217	WSVH	-11.8		
	WLTR	-109.4	-84.8	
	WKCL	-33.8	-25.5	
218	WLTR	-42.3	-31.3	
	WKCL	-100.1	-78.9	
	WBHCFM			-7.7
219	WKCL	-33.8	-25.5	
	WLPG	-12.5	-14.6	
	WLPE	-9.6	-35.5	
	WLPE.C	-14.5	-39.8	
	WBHCFM			-7.7
220	WLFS.C	-15.8	-27.1	
	WLFS		-14.1	
	WVGS		-7.3	
	WBHCFM	-35.7	-41.6	-58.7
	RADD			-13.6
	ALLO		-1.0	-9.8

180 degrees:

Showing of available NCE channels at Barnwell, SC

Latitude 325406 Longitude 812131 ERP(Kw) 25.000 HAAT(m) 100 COR AMSL(m) 136

Chan	Call	*IN*	*OUT*	Margin
201	WRJAFM	+62.3	-37.1	
	WLXP.A	-27.4	-44.2	
	WLXP		-33.5	
	WAFJ	-38.8	-34.5	
202	WAFJ	-86.5	-88.3	
	WLPT	-25.9	-24.1	
203	WAFJ	-38.8	-34.5	
	WFCH	-14.0	-11.5	
	WAGP	-7.4	-11.1	
204	WYFV		-0.8	
	WAGP	-52.3	-64.5	
	WMOC	-2.8		
205	WAGP	-7.4	-11.1	
	WLJK	-49.6	-42.6	
206	WLJK	-100.6	-96.4	
	WSCI	-5.3		
207	WLJK	-49.6	-42.6	
	WSCI	-69.4	-40.7	
	WYFS	-6.9	-8.9	
	WJWJFM		-4.9	
208	WSCI	-5.3		
	WYFS	-51.8	-62.4	
	WJWJFM		-4.9	
209	WYFS	-6.9	-8.9	
	WMHK	-29.0	-25.1	
	WDCOFM	-32.4	-6.6	
	WJWJFM	-71.0	-61.1	
210	WJWJFM	-131.2	-114.6	
	981023		-16.4	
	980319	-3.4	-14.6	
211	WJWJFM	-71.0	-61.1	
	WSSBFM	-28.0	-20.9	
212	WJWJFM		-4.9	
	WSSBFM	-93.1	-74.5	
	WHCJ	-11.2	-30.6	
213	WJWJFM		-4.9	
	WSSBFM	-28.0	-20.9	
	WUSCFM		-8.3	
	WYFH	-2.0	-0.9	
	WACGFM	-28.4	-27.5	
214	WYFH	-54.5	-54.4	
	WACGFM	-81.8	-81.3	
215	WYFH	-2.0	-0.9	
	WACGFM	-28.4	-27.5	
	WSVH	-53.8	-41.5	
216	WSVH	-120.9	-95.0	
217	WSVH	-53.8	-41.5	
	WLTR	-64.7	-40.0	
218	WKCL	-65.2	-44.1	
	WGPH	-46.5	-38.8	
	WBHCFM	-19.2	-8.9	-32.3
219	WLPE	-15.7	-40.3	
	WLPE.C	-21.2	-45.4	
	WVGS		-10.5	
	WBHCFM	-19.2	-8.9	-32.3
220	WLFS.C	-31.0	-50.3	
	WLFS	-23.2	-47.4	
	WVGS	-23.9	-64.0	
	WBHCFM	-59.0	-65.1	-83.3
	WPEHFM			-8.5

270 degrees:

Showing of available NCE channels at Barnwell, SC

Latitude 331440 Longitude 814559 ERP(Kw) 25.000 HAAT(m) 100 COR AMSL(m) 154

Chan	Call	*IN*	*OUT*	Margin	Chan	Call	*IN*	*OUT*	Margin
201	WRJAFM	-52.9	-27.8		213	WACGFM	-25.1	-30.8	
	WAFJ	-96.5	-91.8			WSSBFM	-7.1	-3.3	
202	WAFJ	-144.8	-145.2			WUSCFM		-24.2	
203	WAFJ	-96.5	-91.8			WACGFM	-88.5	-87.0	
	WEPC		-2.2		214	WYFH		-5.2	
	WLJK	-25.7	-43.9			WACGFM	-142.0	-140.5	
204	WAFJ	-23.8	-35.6		215	WACGFM	-88.5	-87.0	
	WYFV		-17.9			WSVH	-11.3		
	WAGP	-0.4	-13.1		216	WACGFM	-25.1	-30.8	
	WJDS		-14.6			WSVH	-78.4	-53.2	
	WLJK	-25.7	-43.9			WLTR	-10.6		
205	WAFJ	-23.8	-35.6			WLPE.C	-2.0		
	WNSCFM	-3.9			217	WACGFM	-25.1	-30.8	
	WLJK	-107.9	-100.0			WSVH	-11.3		
206	WLJK	-159.3	-153.5			WLTR	-77.7	-53.5	
207	WLJK	-107.9	-100.0			WLPE.C	-2.0		
	WSCI	-24.4			218	WLTR	-10.6		
208	WLJK	-25.7	-43.9			WKCL	-22.0	-0.7	
	WYFS	-3.8	-18.6			WGPH	-41.7	-33.6	
209	WLJK	-25.7	-43.9			WLPE	-33.7	-41.9	
	WMHK	-55.4	-43.7			WLPE.C	-39.8	-47.5	
	WDCOFM	-49.1	-23.1		219	WLPE	-70.9	-95.4	
	WJWJFM	-19.5	-9.6			WLPE.C	-77.3	-101.0	
	980619		-4.0		220	WLPE	-33.7	-41.9	
	981023	-12.5	-21.1			WLPE.C	-39.8	-47.5	
	980319	-17.1	-20.3			WLFS.C		-1.7	
210	WJWJFM	-79.6	-63.1			WLFS		-0.4	
	980619	-26.1	-57.5			WVGS		-38.1	
	981023	-56.7	-74.6			AP220		-10.3	
	980319	-61.8	-73.8			AP220		-7.7	
211	WJWJFM	-19.5	-9.6			WJESFM		-17.0	
	980619		-4.0			WBHCFM	-8.3	-13.8	-31.5
	981023	-12.5	-21.1			RADD			-4.4
	980319	-17.1	-20.3			WJESFM			-17.3
	WEPR	-18.4				RDEL			-17.0
	WSSBFM	-7.1	-3.3			WPEHFM	-8.1	-18.0	-42.2
212	WACGFM	-25.1	-30.8						
	WSSBFM	-71.1	-57.0						